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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

The status conference in this case is currently set for May 30, 2013. Defendant's motion to suppress is presently pending. The parties have reached a tentative plea agreement and expect to finalize this agreement soon but cannot do so in advance of the hearing scheduled for May 30, 2013. Consequently, the parties are requesting a continuance in order to finalize their agreement and wish to set the matter for a change of plea on June 27, 2013 at 2 p.m. and ask the Court to order:

1. This matter shall be set for change of plea on June 27, 2013 at 2:00 p.m.
2. The parties agree that time should be excluded under the Speedy Trial Act, 18 U.S.C. §3161, from May 30, 2013 to June 27, 2013. Failure to grant the requested continuance would unreasonably deny defense counsel time to complete the plea agreement and assess its merits in light of the pending motion to suppress.
3. Given these circumstances, the Court finds that the ends of justice served by excluding the period between May 30, 2013 through June 27, 2013, outweigh the best

interest of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). Furthermore under 18 U.S.C. §3161 (h)(D) delay resulting from a pre trial motion to suppress is not counted in the speedy trial clock.

4. Accordingly, and with the consent of the defendant, the Court orders that the period from May 30, 2013 to June 27, 2013, be excluded from the Speedy Trial Act calculations under 18 U.S.C. §3161(h)(7)(A) and (h)(D).

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IT IS SO STIPULATED:

Dated: May 29, 2013

/s/
RANDALL LUSKEY
Assistant United States Attorney

Dated: May 29, 2013

/s/
DEBORAH G. LEVINE
Attorney for Kirk Louder

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ORDER

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5 UPON STIPULATION OF THE PARTIES AND FOR GOOD CAUSE SHOWN, it is here
6 by ordered that the status conference currently scheduled for May 30, 2013 may be continued to
7 June 27, 2013 at 2:00 p.m. for change of plea.

8 IT IS FURTHER ORDERED that time is excluded based upon the defendant's need for
9 adequate preparation and continuity of counsel according to the provisions of the Speedy Trial
10 Act, 18 U.S.C. §§3161(h)(7)(A) and (h)(D). The Court finds that the interests of justice served by
11 the granting of this continuance outweigh the best interests of the public and the defendant in a
12 speedy trial and failure to grant the continuance would unreasonably deny counsel the reasonable
13 time necessary for effective preparation, taking into account due diligence.

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16 | Dated: May 29, 2013

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Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
DISTRICT COURT JUDGE